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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/695,193	10/24/2000	Brian Pulito	LOT-2000-0036	1639
21127	7590	06/03/2005	EXAMINER	
KUDIRKA & JOBSE, LLP ONE STATE STREET SUITE 800 BOSTON, MA 02109			DUONG, OANH L	
			ART UNIT	PAPER NUMBER
			2155	

DATE MAILED: 06/03/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

**Office Action Summary**

Application No.

09/695,193

Applicant(s)

PULITO ET AL

Examiner

Oanh L. Duong

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 03 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 11 January 2005.
- 2a) ☒ This action is **FINAL**.                      2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-12 and 14-19 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 14-19 is/are allowed.
- 6) ☒ Claim(s) 1-12 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \*    c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- |   |   |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)   | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)  | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)             |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date <u>01/10/05; 02/28/05</u> . | 6) <input type="checkbox"/> Other: _____  |

## DETAILED ACTION

Claims 1-12 and 14-19 are presented for examination.

### ***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

1. Claims 1, 4 and 10 are rejected under 35 U.S.C. 103(a) as being unpatentable over Kozdon et al. (Kozdon) (US 6,240,070) in view of Pearce et al. (Peace) (US 6,804,254 B1).

Regarding claim 1, Kozdon teaches in a server process executing at a node on a computer network and operatively couple over the computer network to one or more client processes, selected to the client processes capable of transmitting an active stream of audio packets to the server process, selected of the client processes capable of receiving data from a single source (e.g., see fig. 2), a method for enabling audio conferencing (e.g., see abstract) comprising:

establishing a point-to-point communication connection with selected of a plurality of the client processes (e.g., see fig. 2 col. 3 lines 1-18);

identifying at least a first of the selected client processes which is transmitting an active stream of audio packets (e.g., see abstract and col.6 lines 53-65);

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retransmitting the modified packets of the active stream of audio packets to others of the plurality of clients processes (e.g., see col. 3 lines 1-37).

Kozdon does not explicitly teach replacing the source identifier of the packet headers in the active stream of audio packets with a source identifier associated with the server.

Pearce teaches replacing the source identifier of the packet headers in the active stream of audio packets with a source identifier associated with the server (col. 8 lines 30-40)

It would have been obvious to a person of ordinary skill in the art at the time of the invention was made to combine the teachings of Kozdon to include replacing the source identifier of the packet headers in the active stream of audio packets with a source identifier associated with the server as taught by Pearce because it appears to destination device that the source device is actually located the replaced source identifier, thereby allowing communications between devices with protocols incompatible (Pearce, col. 2 lines 4-10).

Regarding claim 4, a computer program product of claim 4 has a corresponding method of claim 1; therefore, claim 4 is rejected under the same rationale as applied to claim 1.

Regarding claim 10, an apparatus of claim 10 has a corresponding method of claim 1; therefore, claim 10 is rejected under the same rationale as applied to claim 1.

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2. Claims 2, 3, 5, 6, 11 and 12 are rejected under 35 U.S.C. 103(a) as being unpatentable over Kozdon in view of Pearce in further view of Bruno et al (Bruno) (6,020,915).

Regarding claim 2, Kozdon-Pearce does not explicitly teach identifying at least a first of the selected client processes which is transmitting an active stream of video packets. However, Bruno teaches identifying at least a first of the selected client processes which is transmitting an active stream of video packets (e.g., see abstract). Therefore, it would have been obvious to a person of ordinary skill in the art at the time the invention was made to combine the identifying step in the combination of teachings of Kozdon and Pearce as taught by Bruno because such identifying step would enable the multimedia participants to visually identify the presently talking end-user. This would expand the functionality of an analog voice-only non-H.320 compatible endpoint (Bruno, col. 2 lines 21-22).

Regarding claim 3, Kozdon-Pearce-Bruno teaches modifying one of the timestamp and source identifier and sequence number of the packet headers in the active stream of packets (Pearce, col. 8 lines 30-39); and retransmitting the modified packets of the active stream of packets to others of the plurality of client processes (Kozdon, col. 3 lines 1-37).

Regarding claim 5, Kozdon-Pearce does not explicitly teach identifying at least a first of the selected client processes which is transmitting an active stream of video packets. However, Bruno teaches identifying at least a first of the selected client processes which is transmitting an active stream of video packets

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(e.g., see abstract). Therefore, it would have been obvious to a person of ordinary skill in the art at the time the invention was made to combine the identifying step in the combination of teachings of Kozdon and Pearce as taught by Bruno because such identifying step would enable the multimedia participants to visually identify the presently talking end-user. This would expand the functionality of an analog voice-only non-H.320 compatible endpoint (Bruno, col. 2 lines 21-22).

Regarding claim 6, Kozdon-Pearce-Bruno teaches modifying one of the timestamp and source identifier and sequence number of the packet headers in the active stream of packets (Pearce, col. 8 lines 30-39); and retransmitting the modified packets of the active stream of packets to others of the plurality of client processes (Kozdon, col. 3 lines 1-37).

Regarding claim 11, Kozdon-Pearce does not explicitly teach identifying at least a first of the selected client processes which is transmitting an active stream of video packets. However, Bruno teaches identifying at least a first of the selected client processes which is transmitting an active stream of video packets (e.g., see abstract). Therefore, it would have been obvious to a person of ordinary skill in the art at the time the invention was made to combine the identifying step in the combination of teachings of Kozdon and Pearce as taught by Bruno because such identifying step would enable the multimedia participants to visually identify the presently talking end-user. This would expand the functionality of an analog voice-only non-H.320 compatible endpoint (Bruno, col. 2 lines 21-22).

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Regarding claim 12, Kozdon-Pearce-Bruno teaches modifying one of the timestamp and source identifier and sequence number of the packet headers in the active stream of packets (Pearce, col. 8 lines 30-38)); and retransmitting the modified packets of the active stream of packets to others of the plurality of client processes (Kozdon, col. 3 lines 1-37).

3. Claim 7 is rejected under 35 U.S.C. 103(a) as being unpatentable over Kozdon in view of Pearce in further view of Foster et al (Foster) (US 6,466,550).

Regarding claim 7, Kozdon teaches a computer data signal embodied in a carrier wave comprising:

a program code for establishing a point-to-point communication connection between a server process and a plurality of client processes (e.g., see fig. 2 col. 3 lines 1-18), selected of the client processes capable of transmitting a stream of audio packets to the server apparatus (e.g., see fig. 2);

program code for identifying at least a first of the selected plurality of client processes which is transmitting a stream of active audio packets (e.g., see abstract and col.6 lines 53-65); and

program code for retransmitting the modified packets of the active stream of active packets to others of the plurality of client processes (e.g., see col. 3 lines 1-37).

Kozdon does not explicitly teach a packet header and replacing the source identifier of the packet headers as claimed.

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Pearce teaches replacing the source identifier of the packet headers in the active stream of audio packets with a source identifier associated with the server (col. 8 lines 30-40

Foster teaches each packet having a packet header including a time stamp, source identifier and sequence number associated with the packet (e.g., see col. 6 lines 25-46).

It would have been obvious to a person of ordinary skill in the art at the time of the invention was made to combine the teachings of Kozdon to include replacing the source identifier of the packet headers in the active stream of audio packets with a source identifier associated with the server as taught by Pearce because it appears to destination device that the source device is actually located the replaced source identifier, thereby allowing communications between devices with protocols incompatible (Pearce, col. 2 lines 4-10).

3. Claims 8 and 9 are rejected under 35 U.S.C. 103(a) as being unpatentable over Kozdon in view of Pearce in view of Foster in further view of Bruno et al (Bruno) (6,020,915).

Regarding claim 8, the combination of teachings of Kozdon, Pearce and Foster does not explicitly teaches identifying at least a first of the selected client processes which is transmitting an active stream of video packets. However, Bruno teaches identifying at least a first of the selected client processes which is transmitting an active stream of video packets (e.g., see abstract). Therefore, it would have been obvious to a person of ordinary skill in the art at the time the



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invention was made to combine the identifying step in the combination of teachings of Kozdon, Pearce and Foster as taught by Bruno because such identifying step would enable the multimedia participants to visually identify the presently talking end-user. This would expand the functionality of an analog voice-only non-H.320 compatible endpoint (Bruno, col. 2 lines 21-22).

Regarding claim 9, Kozdon-Pearce-Foster-Bruno teaches modifying one of the timestamp and source identifier and sequence number of the packet headers in the active stream of packets (Pearce, col. 8 lines 30-38); and retransmitting the modified packets of the active stream of packets to others of the plurality of client processes (Kozdon, col. 3 lines 1-37).

#### ***Allowable Subject Matter***

4. Claims 14-19 are allowed.

#### ***Response to Arguments***

5. Applicant's arguments with respect to claims 1-12 have been considered but are moot in view of the new ground(s) of rejection.

Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

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A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

6. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Oanh Duong whose telephone number is (571) 272-3983. The examiner can normally be reached on Monday- Friday, 8:00AM - 5:30PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Ario Etienne can be reached on (571) 272-4001. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

*Bharat Barot*  
**BHARAT BAROT**  
**PRIMARY EXAMINER**

O.D  
May 26, 2005